

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MARYANN MUNOZ,
Plaintiff

V.

**40-44 FOREST STREET, LLC, SHERRI
PERROTTA, THOMAS PERROTTA,
APM LLC d/b/a ANDALUSIAN PROPERTY
MANAGEMENT, DAVID WEBSTER, JODIE
NATALONI, HEIDI CONLON, and CITY
OF METHUEN,
Defendants.**

Civil Action No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants Heidi Conlon and City of Methuen (the “Methuen Defendants”) hereby give notice of their removal of this action that is currently pending in the Superior Court of Massachusetts for Essex County, captioned *Maryann Munoz v. 40-44 Forest Street, LLC, et al.*, Civil Action No. 2077CV00565-B, to the United States District Court for the District of Massachusetts. As grounds for removal, the Methuen Defendants state as follows:

1. The Methuen Defendants remove this case on the basis of federal question jurisdiction, on the grounds that Plaintiff's Second Amended Complaint sets forth causes of action arising under the laws of the United States. *See* 28 U.S.C. § 1331 (“[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States”).

BACKGROUND

2. On June 22, 2020, Plaintiff Maryann Munoz (“Munoz”) filed a Complaint in the Massachusetts Superior Court for Essex County naming 40-44 Forest Street, LLC, Sherri

Perrotta, Thomas Perrotta, APM LLC, d/b/a Andalusian Property Management, David Webster, and Jodie Nataloni as Defendants.

3. In her Complaint, Plaintiff sought recovery through causes of action for disability discrimination under both state and federal law; retaliation under state law; breach of contract; breach of the covenant of good faith and fair dealing; breach of the covenant of quiet enjoyment; violations of state Regulations; negligent and intentional infliction of emotional distress; violation of M.G.L. c. 186; and civil conspiracy.
4. On August 12, 2020, Plaintiff filed a First Amended Complaint, including further factual allegations and an additional cause of action (M.G.L. c. 93A).
5. On April 27, 2022, having obtained leave of Court, Plaintiff filed a Second Amended Complaint, adding the Methuen Defendants as parties, asserting further factual allegations, and adding another cause of action (negligence). *See* Second Amended Complaint, Exhibit “A” hereto.

TIMELINESS OF REMOVAL

6. The Methuen Defendants were served with Plaintiff’s Second Amended Complaint, via their counsel’s acceptance of service, on June 7, 2022.
7. This Notice of Removal is timely because it is filed within thirty (30) days of the date of service of the Second Amended Complaint on the Methuen Defendants. *See* 28 U.S.C. §§ 1441(a), 1446(b)(1), (b)(2)(A).

FEDERAL QUESTION

8. Plaintiff’s Second Amended Complaint sets forth causes of action against the Methuen Defendants arising under federal law. *See* Exhibit “A,” at ¶¶ 186-191 (claim for disability discrimination in violation of the Fair Housing Act, 42 U.S.C. § 3604); *see also*

¶¶ 195, 197, 203, 211, 213, 219, 221-222, 227-229, 234-235, 237, 250-252, 257-259
(referencing Defendants' alleged violations of 42 U.S.C. § 3604 in other causes of
action).

ALL PROCEDURAL PREREQUISITES TO REMOVAL HAVE BEEN MET

9. Pursuant to 28 U.S.C. §§ 1441(a) and 1446(b)(2)(A)-(C), the Methuen Defendants are filing this Notice of Removal in the federal district court for the district in which the state court Complaint was filed.
10. Pursuant to 28 U.S.C. § 1391, venue is proper in the United States District Court for the District of Massachusetts, as the Complaint in this action was filed in the Superior Court for the Commonwealth of Massachusetts, Essex County.
11. As indicated below, in accordance with 28 U.S.C. § 1446(b)(2)(A), all Defendants who have been properly joined and served consent to the removal of this action.
12. The Methuen Defendants will give written notice of the filing of this Notice of Removal to all other parties and will file a copy of this Notice of Removal with the Clerk of the Massachusetts Superior Court for Essex County, as required by 28 U.S.C. § 1446(d).
13. In removing this action, the Methuen Defendants do not intend to waive any rights or defenses to which they are otherwise entitled under the Rules of Civil Procedure.
14. Based upon the record submitted with this Notice, this Court has jurisdiction over Plaintiff's claims and the Second Amended Complaint is properly removed to this Court.

WHEREFORE, Defendants Heidi Conlon and the City of Methuen respectfully request that this action proceed in the United States District Court for the District of Massachusetts, as an action properly removed from state court.

Defendants, Heidi Conlon and
City of Methuen,
by their attorneys:

/s/ James T. Scamby

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CONSENT TO REMOVAL
(28 U.S.C. § 1446(b)(2)(A))

Defendants, 40-44 Forest Street, LLC,
Sherri Perrotta, and Thomas Perrotta,
by their attorneys:

/s/ Michael Stefanilo, Jr.

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Dated: July 6, 2022